

Office Action Summary

Application No.

09/627,096

Applicant(s)

IKEGAMI ET AL.

Examiner

Charles Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,7-13,17,20-22,24-26 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) 8,9,11-13,20-22,24-26 and 29-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,10 and 35-38 is/are rejected.
- 7) ☒ Claim(s) 4,17 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 25, 2004 has been entered.

Response to Amendment and Arguments

2. Applicant's amendment filed on March 25, 2004 has been entered and made of record.
3. In view of applicant's amendments, the objections to the claims are withdrawn.
4. Applicant's arguments, see page 10, filed March 25, 2004, with respect to claims 4, 17, 39 have been fully considered and are persuasive. The rejections of claim 4, 17, 39 have been withdrawn.
5. Applicant's arguments with respect to claims 7, 10, and 35-38 have been fully considered, but they are not deemed to be persuasive for at least the following reasons.

Applicants argue (page 9) that "Glass does not teach or suggest at least the feature of order information for specifying a collection order of anatomical information". The Examiner disagrees. Glass explains that the token provides time stamp information (time and date) and "must be provided at the time the document is authenticated" (col. 2, lines 31-46). Therefore, the

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token taught by Glass provides order information for specifying a collection order of anatomical information.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 7, 10, 35-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Glass, U.S. Patent No. 6,553,494 (“Glass”).

Referring to claim 7, Glass discloses an authentication device using anatomical information comprising:

- a. an anatomical information generating unit for generating anatomical information (biometric data) based on a collected image (col. 4, lines 40-46 and figure 1)
- b. an identification information generating unit generating identification information (token) which comprises at least order information (time stamp) for specifying a collection order of anatomical information generated in the anatomical information generating unit (col. 2, lines 31-37 and col. 4, lines 50-56)
- c. a collation information generating unit generating collation information by combining anatomical information (biometric data) and the identification information (token)

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[col. 4, lines 57-65, more specifically lines 60-63. Note that the “unencrypted digital signature” (36) is interpreted as the collation information, see figure 1].

Referring to claim 10, Glass further discloses that the anatomical information (biometric data) and the identification information (token) are encrypted (col. 4, lines 57-65, more specifically lines 60-65 and figure 1).

Referring to claims 35 and 37, see the rejection of at least claim 7 above.

Referring to claims 36 and 38, see the rejection of at least claim 10 above.

Allowable Subject Matter

7. Claims 4, 17, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kim whose telephone number is 703-306-4038. The examiner can normally be reached on Mon thru Thurs 8:30am to 6pm and alternating Fri 9:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ck

August 25, 2004


Jon Chang
Primary Examiner